

### **ATTACHMENTS**

Attached hereto is a declaration of the sole inventor, Dr. Robert P. Kimberly, submitted under 37 CFR 1.132.

### **REMARKS**

With this amendment, claims 1-21, 26-30, 34 and 36-46 remain pending in the application. Claims 1, 13, 34, 36 and 42-46 have been amended by way of this amendment. Support for these amendments is found in the specification among other places at page 29, line 20 – page 30, line 6; and page 31, lines 8-14. As such, it is submitted that no new matter has been added to the application by way of these amendments. These amendments correlate an Fc $\alpha$ RI induced cellular function with cellular susceptibility to a disease based on a recited series of possible single nucleotide polymorphisms. As cellular functions under the control of the Fc $\alpha$ RI receptor are thoroughly taught in the specification and further supported by the declaration of Dr. Kimberly, this aspect of the outstanding claims is believed to satisfy the requirements of 35 U.S.C. §112, first paragraph. As an Fc $\alpha$ RI induced cellular function specifically including calcium flux and cytokine production is well known to correlate with disease susceptibility, this aspect of the outstanding claims is also believed to satisfy the requirements of 35 U.S.C. §112, first paragraph.

Currently, claim 34 stands rejected under 35 U.S.C. §102(e) as anticipated by Chee et al. (U.S. Patent 5,856,104). All of the pending claims currently stand rejected under 35 U.S.C. §112, first paragraph.

**Remarks with Respect to the Rejection of Claim 34 Under 35 U.S.C. §102(e)**

By way of this amendment, claim 34 has been amended to recite a specific series of single nucleotide polymorphisms that are neither taught nor contemplated in Chee et al. Reconsideration and withdrawal of the rejection as to claim 34 under 35 U.S.C. §102(e) as anticipated by Chee et al. is respectfully requested.

**Remarks Directed to Rejection of Pending  
Claims Under 35 U.S.C. §112, First Paragraph**

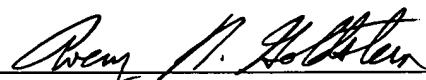
Applicant hereby incorporates by reference the remarks of record with respect to the pending claims. In addition, the amendments to claims 1, 13 and 36 modify the correlation between single nucleotide polymorphisms and cellular susceptibility to a disease from IgA binding to recited FcαRI induced cellular functions. These functions and the quantification of these functions for various cells of varying FcαRI genotypes are submitted to be well detailed in the specification examples beginning at page 32, line 17 and continuing through to page 49, line 14. It is submitted that one skilled in the art upon reading these procedural examples and the references cited therein would have little difficulty in quantifying "FcαRI induced function" of cells. The correlation of FcαRI induced cellular functions and disease states is also submitted to be well documented within the instant specification and further bolstered by the attached declaration of Dr. Kimberly in particular with respect to calcium flux, cytokine production, and fusion protein phosphorylation.

In light of the claim amendments and the attached declaration of Dr. Kimberly, it is respectfully submitted that should the Examiner wish to reapply the *In re Wands* factors with respect to enablement, then affirmative conclusion as to enablement is now believed to result.

**Summary**

Claims 1-21, 26-30, 34 and 36-46 are the claims pending in this application. Each claim is believed to be in proper form and directed to allowable and patentable subject matter. Reconsideration and allowance of the claims and the passing of this application to issue are solicited. If the Examiner finds to the contrary, it is respectfully requested that the undersigned in charge of this application be called at the telephone number given below to resolve any remaining issues.

Respectfully submitted,

  
Avery N. Goldstein  
Registration No. 39,204  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, P.C.  
280 N. Old Woodward Ave., Suite 400  
Birmingham, MI 48009-5394  
(248) 647-6000

Attorney for Applicant

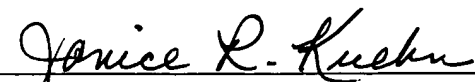
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DATE OF DEPOSIT September 24, 2004

I hereby certify that this paper or fee (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Janice R. Kuehn